

REMARKS

I. Status of the Application and Claims

Applicants respectfully request reconsideration and further examination in view of the following remarks.

Claims 12-16, 18, 71, and 74-77 are pending in this application. In the Office action mailed March 14, 2006, the Examiner objected to claims 13 and 73-75 as being dependent on a rejected claim but stated those claims would be allowable if rewritten in independent form. Office action at 5. Claim 73 depended from claim 12. Applicants have canceled claim 73 and amended claim 12 to recite that the amino acid sequence is 95% identical to SEQ ID NO:4, as previously recited in canceled claim 73. Thus, the scope of claim 12, as amended, is identical to claim 73, which the Examiner indicated was allowable.

II. Rejection Under 35 U.S.C. § 112, First Paragraph

The Office rejected claims 12, 14-16, 18, 71, 76, and 77 under 35 U.S.C. § 112, first paragraph, alleging that the specification does not enable any person skilled in the art to make and use the invention commensurate in scope with the claims. Office action at 2. The Office acknowledged that the specification enabled amino acid sequences with at least 95% identity to SEQ ID NO:4 but, without citing any evidence, asserted that claims directed to amino acids having at least 90% identity with SEQ ID NO:4 were not enabled. *Id.* The Office further rejected claims 12, 14-16, 18, 71, 76, and 77 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that

the inventors had possession of the claimed invention at the time the application was filed. *Id.* at 3.

Although Applicants respectfully disagree, in an effort to expedite prosecution, claim 12 has been amended to recite that the amino acid sequence is at least 95% identical to SEQ ID NO:4. Claim 12 has the same scope as previous claim 73, which the Examiner indicated was allowable. Accordingly, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

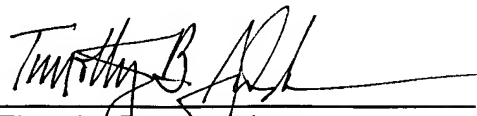
In view of the foregoing amendments and remarks, Applicants respectfully request the examination on the merits of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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